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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,860	05/16/2007	Hiroto Handa	42598-4500	8211
21611 7590 11/10/2010 SNELL & WILMER LLP (OC) 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626			EXAMINER GARCIA, CARLOS E	
			ART UNIT 2627	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,860	Applicant(s) HANDA ET AL.	
	Examiner CARLOS E. GARCIA	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 10 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/30/2010, 04/26/2010, 01/20/2010, 08/08/2008,</u> | 6) <input type="checkbox"/> Other: ____. |

NON-FINAL REJECTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 43, lines 12-13; the term “the a recording surface” should be -- the recording surface --. Appropriate correction is required.
2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 6-7, 11 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claims 6, 11 and 13 appear to require another “*control member*” limitation, which is not clearly defined or described in the original disclosure. It appears that this limitation is a repeat of the “*control member*” limitation as claimed in claim 1, lines 13-17. Since the limitation in claim 1, appears to include nearly the same limitations of claims 6, 11 and 13; claims 6, 11 and 13 will not be given full patentable weight, since the claims are not fully understood. Furthermore, the broadest reasonable interpretation is given to claims 6-7, 11 and 13-16. Correction and clarification are required to clear up confusion.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4-9, 13 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Michimori et al. (US 2002/0036976 A1; hereinafter Michimori).

Re claim 1: Michimori discloses a disk device (see Fig.1-20C), comprising:

a swing arm 5 which is provided with a drive unit 3 for playing a disk d_x and swung to insert the drive unit into a space (in Fig.1-10H, specifically Fig.10E for example) created by splitting disk housing sections 1100 (Fig.2-3) capable of housing a plurality of disks; and

a drive mechanism 70 (by way of gears and cams [0059-0066]) for driving the swing arm [0059,0078], wherein the disk device further comprises:

a loading arm 7 which is capable of being displaced between a leading position for abutting on a disk (clamping on the disk) moving between a disk insertion position and the disk housing sections and leading the disk to the disk housing section side or the disk insertion position, and a withdrawing position for withdrawing from the disk (Fig.11-17B for instance); and

a control member 200 which transmits drive power of the drive mechanism ([0060-0069], specifically see [0078-0079]; translating plate 200 moves along a fixed direction to transfer power towards both arms 5/7) to the swing arm, and is provided with loading arm driving means for driving, in accordance with the position thereof, the loading arm to the leading position or the withdrawing position (Fig.11).

Re claim 4: Michimori further discloses wherein the control member 200 is a single plate provided so as to be able to slidably move (in X-X' directions [0060]), and the loading arm driving means comprises a plurality of cams (as shown in Fig.11) provided integrally on the control member.

Re claim 5: Michimori discloses further comprising a regulating arm (13 or 14) which is capable of being displaced between a regulating position, which is disposed between the disk housed in the disk housing section and the disk insertion position so as not to contact with the disk, and the withdrawing position for withdrawing from the disk housed in the disk housing section (as shown in Fig.19A-19B).

Re claim 6: Michimori discloses (as best understood) further comprising:

- a control member (200 for example) which transmits drive power of the drive mechanism to the swing arm; and

- a link mechanism 12 (sliding rack plate 12 to mesh with levers 13/14) which interlocks the control member and the regulating arm [0064].

Re claim 7: Michimori further discloses wherein the link mechanism has a slide link 12 which is provided so as to be able to slidably move (in N-N' direction), and the slide link is provided with a pressing section which presses the regulating arm to the withdrawing

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position at both ends of the movement direction of the slide link (as shown in Fig.19A-19B).

Re claim 8: Michimori further discloses wherein the regulating arm comprises a rod-like regulating section 400 which stands upright in the vicinity of the disk when located at the regulating position and falls over when located at the withdrawing position [0052].

Re claim 9: Michimori discloses further comprising a tension arm 210 which is capable of being displaced between an abutting position for abutting on an edge of any of the disks other than the disks played or inserted/ejected, of the disks housed in the disk housing sections, and a withdrawing position for separating from the disk (as shown in Fig.11-17B).

Re claim 13: Michimori discloses (as best understood) further comprising:

a disk regulating section 400 which is provided so as to be displaceable between a regulating position for regulating displacement of a disk housed in the disk housing section and a withdrawing position for withdrawing from the disk housed in the disk housing section [0052]; and

a control member (same as above for claim 1), which comprises loading arm biasing means provided so as to be displaced by the drive mechanism and for biasing, in accordance with the position thereof, the loading arm to the leading position or the withdrawing position, and regulating section biasing means for biasing the disk

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regulating section to the regulating position or the withdrawing position (as shown in Fig.12A-17B).

Re claim 15: Michimori further discloses wherein the control member is a single plate provided so as to be able to slidingly move (Fig.11).

Re claim 16: Michimori further discloses wherein each of the loading arm biasing means and the regulating section biasing means comprises a plurality of cams (as shown in Fig.11) provided integrally on the control member [0066].

7. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al. (US 6751181 B1; hereinafter Watanabe).

Re claim 1: Watanabe discloses a disk device (see Fig.1-9), comprising:

a swing arm 13 which is provided with a drive unit 15 for playing a disk 171 and swung to insert the drive unit into a space (in Fig.9) created by splitting disk housing sections 3 (Fig.3-4) capable of housing a plurality of disks 171; and

a drive mechanism 46 (by way of gears and cams; see col.14, lines 29-35) for driving the swing arm, wherein the disk device further comprises:

a loading arm 12 which is capable of being displaced between a leading position for abutting on a disk (clamping on the disk) moving between a disk insertion position and the disk housing sections and leading the disk to the disk housing section side or the

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disk insertion position, and a withdrawing position for withdrawing from the disk (Fig.7);
and

a control member 17 which transmits drive power of the drive mechanism (col.14, lines 29-67) to the swing arm, and is provided with loading arm driving means for driving, in accordance with the position thereof, the loading arm to the leading position or the withdrawing position (col.21, lines 33-59).

Re claim 2: Watanabe further discloses further comprising a biasing member 89 for biasing the loading arm 12 to the leading position (col.13, lines 35-51; i.e. clamping position).

Re claim 5: Watanabe discloses further comprising a regulating arm 132 which is capable of being displaced between a regulating position, which is disposed between the disk housed in the disk housing section and the disk insertion position so as not to contact with the disk, and the withdrawing position for withdrawing from the disk housed in the disk housing section (as shown in Fig.19a-19b).

Allowable Subject Matter

8. Claims 10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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9. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS E. GARCIA whose telephone number is (571)270-1354. The examiner can normally be reached on M-Th 9am-5pm F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. E. G./
Examiner, Art Unit 2627
11/3/2010

/William J. Klimowicz/
Primary Examiner, Art Unit 2627